

McConathy, Evelyn H.

From: McConathy, Evelyn H.
Sent: Monday, May 17, 2010 12:35 AM
To: 'Bart Classen'
Subject: RE: Comments regarding Point 2 of your instructions regarding the '705 case on Appeal

Bart:

I did not plan to wait on the case on Appeal, and the distraction is not other clients. I am being torn between your own cases. If I can finish you issue with one claim set, then I will turn to the other one without delay. I do not seem to be as facile as you are as you jump between your various cases. First you asked me to handle the case on Appeal, and I began those replies, but I didn't want you to forget about the '674 reexam claims. Then you asked me to work on the '674 claims, which I did immediately. Now you are again asking me to shift back to the case on Appeal, which I am happy to do. You are, of course, right about the Examiners that move or change supervisors, but I think the supervisor has little to do with it. I am more effective if I can finish one thing for you, before starting on another. But I promise not to delay.

Evelyn

From: Bart Classen [mailto:classen@vaccines.net]
Sent: Sunday, May 16, 2010 1:27 PM
To: McConathy, Evelyn H.
Subject: Re: Comments regarding Point 2 of your instructions regarding the '705 case on Appeal

Besides the points regarding the '674. I disagree about the appeal timing. I believe that we have an examiner in a favorable mood at this time. He could leave or he could get a different boss (which was the problem before). lets try to file the changes before we have to start working on an appeal.

Thanks.

At 11:16 AM 5/13/2010, you wrote:

Bart:

REDACTED

Evelyn

EXHIBIT J

9/14/2010